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Date: January 26, 2005

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Cindy Hom

Public Hearing: Yes: X No:

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TITLE: MINOR TENTATIVE PARCEL MAP NO. MI2004-4

Proposal: Request approval for a tentative parcel map to subdivide a 19.49-acre parcel to create a 7.51-acre parcel and an 11.98-acre parcel

Location: 1100 Cadillac Court and 380 Fairview Way

APN: 022-37-016

RECOMMENDATION: Approve with conditions

Applicant: Grubb & Ellis Management Services, Inc. 255 California St. 14th Floor San Francisco, CA 94111

Property Owner: 1100 Cadillac Court LLC

Previous Action(s): "S" Zone Approval, Use Permit Approval and subsequent amendments

General Plan Designation: Industrial Park

Environmental: Categorically exempt pursuant to Class 15, Section 15315 ("Minor Land Divisions") of the California Environmental Quality Act Guidelines

Present Zoning: Industrial Park (MP)

Existing Land Use: Research & Development, Manufacturing, Warehousing, and Distribution

Agenda Sent To: Applicant/Owner

Attachments: Site Plan

PJ: 3185

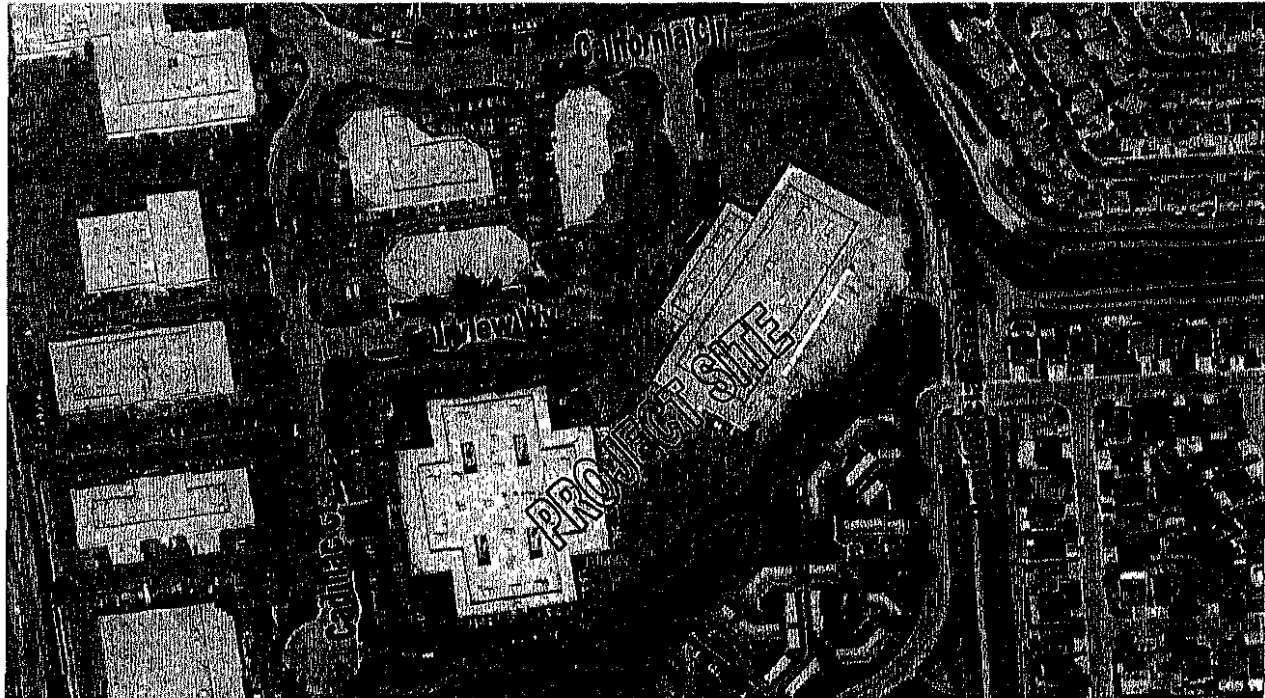
BACKGROUND

On September 3, 1987, the Planning Commission approved an "S" Zone Application for construction of two R&D buildings (Dixon Landing Business Park) on the southeast corner of California Circle and Fairview Way. Subsequent approvals include "S" Zone Approval

amendments for site and architectural modifications and signage; a use permit for a telecommunication facility; and a use permit amendment for a temporary back-up.

Site Description

The project site is a 19.49-acre parcel located at on the corner of 1100 Cadillac Court and 380 Fairview Way. The site is bounded by Cadillac Court on the west, Fairview Way on the north, Penitencia Creek on the east, and a drainage lagoon immediately south of site. Currently, the project site is zoned (MP) Industrial Park. The surrounding land uses include light industrial and R&D uses to the west and north and residential uses to the east and south.



THE APPLICATION

The application is submitted pursuant to Chapter 1 (Subdivisions), Section 4.00 (Tentative Map) of the Milpitas Municipal Code.

PROJECT DESCRIPTION

The applicant is requesting approval for a tentative parcel map to subdivide a 19.49-acre parcel to create a 7.51-acre parcel (Parcel 1) and an 11.98-acre parcel (Parcel 2). The purpose of the proposed subdivision is to provide businesses the opportunity to own and occupy one building on one parcel.

ISSUES

Conformance with the General Plan

The proposed project does not conflict with the General Plan and is consistent with Implementing Policies 2.a-I-3 and 2.a-I-7, which provide for opportunities to expand employment, promote business retention, and encourage economic pursuits that strengthen and

promote development through stability and balance. By subdividing these parcels into separate parcels for each building, the property owner is able to foster individual business ownership within the Dixon Landing Business Park.

Conformance with the Zoning Ordinance

The project does not conflict with the Zoning Ordinance and is in conformance in terms of land use and development standards. No change in land use is proposed as part of the tentative parcel map application and any future land uses would be subject to the permitted and conditional uses allowed in the Industrial Park (MP) District.

The proposed tentative parcel map complies with the City's Zoning Ordinance development standards as described below:

Proposed Parcel 1 (380 Fairview Way)

Development Standard	Proposed Project	Complies?
Lot Width: 100 feet	> 100 feet	Yes
Front Yard Setback: 35 feet	40 feet	Yes
Rear yard Setback: 20 feet	80 feet	Yes
Side yard Setbacks: Interior 10 feet (corner lots, same as front yards).	60 feet from face of wall to interior property line, 85 feet from face of wall to side lot line	Yes
Floor Area Ratio: 50% maximum	36%	Yes
Parking requirement: 71 (1/1500 GFA)	273 (194 standard stalls, 73 compact stalls)	Yes
Structure Height: 3 stories or 35 feet	31 feet	Yes
Required Landscaping: Front yard and street side yard	Landscaped front and street side yard	Yes

Proposed Parcel 2 (1100 Cadillac Court)

Development Standard	Proposed Project	Complies?
Lot Width: 100 feet	> 100 feet	Yes
Front Yard Setback: 35 feet	110 feet	Yes
Rear yard Setback: 20 feet	200 feet	Yes
Side yard Setbacks: Interior 10 feet (corner lots, same as front yards).	75 feet from face of wall to interior property line, 197 feet from face of wall to street side lot line.	Yes
Floor Area Ratio: 50% maximum	35%	Yes
Parking requirement: 417 (1/300 GFA)	418 (242 standard stalls, 170 compact stalls)	Yes
Structure Height: 3 stories or 35 feet	22 feet	Yes
Required Landscaping: Front yard and street side yard	Landscaped front yard	Yes

Parking

Since its original approval in 1987, there have been subsequent parking modifications. Specific changes include an "S" Zone approval amendment granted in January 1988 that changed the parking ratio for required parking from R&D to warehousing and distribution and deletion of 97 parking stalls for the building located on Parcel 1 (380 Fairview Way). Because the building was converted to warehousing and distribution, it utilized a parking ratio of 1/1500 GFA, and therefore required 71 stalls compared to 355 stalls originally needed for R&D. As a result, the site gained 284 excess parking stalls. More recently, an "S" Zone approval amendment was approved in 2001 for the deletion of 7 additional parking stalls.

The existing and proposed parking for Parcel 1 and 2 is summarized in the two tables below:

Table: Existing Parking

	Parcel 1 380 Fairview	Parcel 2 1100 Cadillac
Required	71	417
Standard	224	349
Compact	73	0
Handicap	6	6
Total Parking Provided	303	355

Table: Proposed Parking

	Parcel 1 380 Fairview	Parcel 2 1100 Cadillac
Required	71	417
Standard	194	242
Compact	73	170
Handicap	6	6
Total Parking Provided	273	418

Per Section 53 (Off-Street Parking), the industrial districts are allowed to have 40% of their required and non-required stalls to be design as compact parking stalls. Although the existing parking for Parcel 1(380 Fairview Way) demonstrates conformance with the City's current parking standard, Parcel 2 (1100 Cadillac Ct.) will need additional parking. Currently Parcel 2 does not have any compact stalls. As indicated in the Proposed Parking Summary above, the applicants are proposing (170) compact stalls which will make the site in conformance with the City's parking requirements. Staff recommends a special condition of approval that shall require the applicant to re-stripe the parking lot to provide the required number of parking spaces prior to the recordation of the final map.

Conformance with the State Subdivision Map Act and Subdivision Ordinance

The Subdivision Map Act defers the approval of minor tentative parcel map applications to local ordinances (Article 5, Section 66463). The City's Subdivision Ordinance requires design and improvement consistency with the General Plan. As previously mentioned, the proposed Tentative Parcel Maps are in conformance with the General Plan.

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Conformance with CEQA

The project is categorically exempt from further environmental review pursuant to Class 15, Section 15315 ("Minor Land Divisions) of the Environmental Quality Act (CEQA) guidelines. This section exempts such projects involving the division of property in urbanized area into four or fewer parcels when the division is in conformance with the General Plan and zoning. As discussed above, the proposed project is located in a developed, urbanized area and conforms to the General Plan and Zoning Ordinance.

RECOMMENDATION

Close the public hearing. Approve Minor Tentative Parcel Map No. MI2004-4 based on the findings and special conditions listed below:

FINDINGS

1. The Project does not conflict with the General Plan and is consistent with Implementing Policies 2.a-I-3 and 2.a-I-7, which provides for opportunities to expand employment, promotes business retention, and encourages economic pursuits that strengthen and promote development through stability and balance.
2. The Project conforms to the development standards and parking requirements for the Industrial Park (MP) Zoning District. As conditioned the project will be required to re-strip the parking to provide the required number of parking prior to the recordation of the Final Map.
3. The Project complies with the Subdivision Map Act. The City's Subdivision Ordinance requires design and improvement consistency with the General Plan. As stated, the proposed Tentative Parcel Map is in conformance with the General Plan.
4. The Project is categorically exempt from further environmental review pursuant to Class 15, Section 15315 ("Minor Land Divisions") of the State CEQA Guidelines.

SPECIAL CONDITIONS

1. This approval is for a Minor Tentative Parcel Map No. MI2004-4 to create two separate parcels located on 1100 Cadillac Court and 380 Fairview Way (APN: 022-38-016) as depicted on the Tentative Parcel Map dated January 26, 2005, and as amended by the conditions of approval. (P)
2. The proposed project shall be conducted in compliance with all applicable federal, state and local regulations. (P)
3. Prior to Final Map recordation, the applicant shall re-stripe the parking lot to provide the required number of parking space. Prior to re-striping, the applicant shall submit a Parking Re-striping Plan for Planning Division review and approval. (P)
4. If, at the time of recordation of Final Map, there is a project job account past due balance to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)

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5. The developer shall record a reciprocal maintenance agreement(s) or other document(s) such as conditions, covenants and restrictions concurrent with the recordation of the parcel map. The agreements or documents shall provide for the use of lands and maintenance of all private utility facilities including but not limited to, storm drainage, spills clean up, sewer, water, access, parking, fire services, irrigation, solid waste services, landscaping, walls and other common area facilities. The reciprocal maintenance agreement or documents shall state the responsible party for the maintenance of the common facilities and shall have assessment power. The agreements and documents shall be submitted for review and approval by the City. (E)
6. The site is located in Local Improvement District No.19. Concurrent with the parcel map recordation, the developer shall prepare and file amended assessment diagrams and assessment allocations for each parcels within Local Improvement District (LID) No. 19. (E)
7. Prior to recordation of any final map, the developer shall furnish the City with a mylar of the recorded parcel map and a digital format of the parcel map (AutoCAD format). (E)
8. The proposed parcel map shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. (E)
9. The tentative map and all final maps shall designate all common lots and easements as lettered lots or lettered easements. (E)
10. Property owner association or site manager shall be responsible for the trash collection and recycling services account for all the individual owners of this property. Prior to occupancy permit issuance, the property owner association/site manager shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for commercial services:
 - A. An adequate level of service for trash collection.
 - B. An adequate level of recycling collection.After the applicant has started its business, BFI commercial representative shall determine the adequacy of the solid waste level of services. If services found to be inadequate, the property owner/manager shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)
11. Make changes as noted on the attached Engineering Exhibit "T" dated 12/27/2004. (E)

(P) Planning Division

(E) Engineering Division

